

7. The bag as claimed in claim 1, wherein said closure causes said bag to remain in a closed condition when said bag is in the inverted position and a charge is contained within said bag.

REMARKS

Applicants respectfully submit this Amendment in response to an Office Action mailed by the USPTO on October 7, 2002. Claims 1-3 have been amended, and claims 4-7 have been added by this amendment. Thus, upon entry of this amendment, claims 1-7 will be pending in the present application.

In the Office Action, the Examiner has objected to the drawings under 37 CFR 1.83(a) as failing to illustrate the welding, bonding and clamping recited in claim 3. In response thereto, applicants file, concurrently herewith, a Drawing Amendment in which applicants request that FIG. 1 be amended to include reference character 20, which generally designates a welding, bonding or clamping means or method. Applicants respectfully submit that no new matter is added by FIG. 1. Applicants further respectfully submit that the changes to FIG. 1 completely address the Examiner's objection to the drawings, and thus request withdrawal of that objection.

In the Office Action, the Examiner has also objected to the written description as being unclear and inconsistent with the drawings. Specifically, the Examiner has taken the position that the description provided on page 3 with regard to Figure 1, and Figure 1, are not consistent with each other. Applicants respectfully submit that Figure 1 depicts the bag in a non-inverted position, i.e., with the mouth uppermost. The description provided on page 3, specifically, at lines 10-12, is not intended to describe Figure 1, per se. Rather, that description provides an

illustrative example of the relationship between the outer sleeve 6 and mouth 4, when the bag is in an inverted position. As amended herein, the description now more clearly states that Figure 1 depicts the bag in a non-inverted position. Consequently, applicants respectfully submit that the Examiner's objection to the written description has been overcome, and request withdrawal of that objection.

In the Office Action, the Examiner has also rejected claims 1-3 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. More specifically, that the specification contains no disclosure of an inverted bag having an outer sleeve extending above the mouth. In view of applicants' amendment to the specification as set forth above, applicants respectfully submit that the Examiner's rejection of 1-3 under 35 U.S.C. §112, first paragraph is obviated, and request withdrawal of that rejection.

In the Office Action, the Examiner has also rejected claims 1-3 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In view of applicants' amendment to the claims as set forth above, applicants respectfully submit that the Examiner's rejection of 1-3 under 35 U.S.C. §112, second paragraph is obviated, and request withdrawal of that rejection.

In the Office Action, the Examiner has also rejected claim 1 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,108,195 to Perron. Applicants respectfully traverse that rejection. Perron is directed to a waste bag with a resealable opening. Applicants respectfully submit that Perron neither teaches nor suggest a bag as recited by claim 1. Specifically, Perron provides no disclosure relating to a bag for containing a charge, the bag comprising an envelope

closed at a first end by an end wall and delimiting a mouth at a second end located apart from the first end, the envelope being shaped on itself at the mouth in order to form a closure to close the bag, and wherein the closure comprises an outer sleeve located above the mouth when the bag is in an inverted position, an inner closure fold providing an inner closure of the mouth, a neck inside which the inner closure fold is located, and an outer closure fold closing the neck and providing an outer closure of the bag, as recited by applicants' amended claim 1. Thus, applicants respectfully submit that Perron is not a proper 35 U.S.C. §102(b) reference as it fails to teach each limitation recited by claim 1, as is required of a 35 U.S.C. §102(b) reference. For the reasons set forth above, applicants respectfully submit that Perron fails to teach or suggest all the limitations recited by claim 1, and applicants thus respectfully submit that claim 1 is not anticipated by that reference. Applicants respectfully submit that the Examiner's rejection of claim 1 as anticipated by Perron is no longer tenable, and respectfully request withdrawal of that rejection.

Finally, in the Office Action, the Examiner has rejected claim 3/1 (?) under 35 U.S.C. §103(a) as unpatentable over Perron in view of the knowledge of a person of ordinary skill in the art. In view of applicants' amendment to the claims, and the remarks provided above distinguishing claim 1 over Perron, applicants respectfully submit that the Examiner's rejection of claims 3/1 under 35 U.S.C. §103(a) is no longer tenable, and respectfully request withdrawal of that rejection.

Applicants note that claim 2 was not rejected in the Office Action. Notwithstanding that fact, for the reasons set forth above with regard to claim 1, claim 2 is likewise patentable over

Perron and any other prior art reference of record in the present application, whether considered alone or in any hypothetical combination.

Finally, claims 4-7, which depend, directly and indirectly from one of claims 1 and 2, are neither anticipated nor rendered obvious by Perron or any other prior art reference of record in the present application. ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988; MPEP §2143.03).

In view of the foregoing amendments and remarks, applicants respectfully submit that this amendment is fully responsive to the Office Action, and that all claims pending in the present application, i.e., claims 1-7, are patentable over the prior art of record and are thus in condition for allowance.

Attached hereto is a marked-up version of the changes made to the specification and claims by this amendment. The attached pages are titled **"VERSION WITH MARKINGS TO SHOW CHANGES MADE TO THE SPECIFICATION AND CLAIMS."**

Applicant hereby authorizes the Commissioner to charge the fees necessary in connection with this Amendment, including the fees required for applicants' requested extension of time, and any other fees necessary in connection with this application, to Deposit Account Number 02-1666.

Application Serial No.: 623,926
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Any questions concerning this application or amendment may be directed to the undersigned agent of applicant.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE TO THE
SPECIFICATION AND CLAIMS**

Changes made to the specification by this amendment are indicated below.

Page 3, lines 10-12:

a1 - an outer sleeve 6 above its mouth 4 when the bag is in the inverted position, that is to say with its mouth lowermost (opposite of that depicted in Figure 1);

Page 3, lines 28-34:

a2 In accordance with Figures 34 and 4,5, the parallel edges 2d of the flap 2b are brought together and folded using any appropriate fold, to form at least one fold 7 for internally closing the bag.

As shown by Figure 6, it is the outer envelope 2e-c which makes it possible to obtain the neck 8 inside which the inner closure fold 7 is located.

Page 3, lines 38-39 and page 4, lines 1-2:

a3 If necessary, the inner closure fold 7 and the outer closure fold 9 may be supplemented, in order to keep them sealed, by any appropriate welding, bonding or clamping, method or means, generally indicated as 20 in Figure 1.

Changes made to the claims by this amendment are indicated below.

1. (Amended) A bag for containing a charge, said bag comprising :

a4 an envelope closed at ~~one~~ a first end by an end wall and delimiting a mouth at ~~the~~ other a second end, ~~containing a charge capable of passing, for example under gravity, through~~ located apart from said mouth, when said bag is in the inverted position first end, said envelope

being shaped on itself at said mouth in order to form a closure to close said bag, wherein, ~~at the opposite end to the wall the envelope is shaped on itself, in particular folded, to determine, without discontinuity~~ said closure comprises:

an outer sleeve ~~which is located~~ above the said mouth when said bag is in the an inverted position;

at least one an inner closure fold providing an inner closure of said mouth;

a neck inside which the said inner closure fold is located; and

94 ~~and at least one~~ an outer closure fold closing said neck and providing an outer closure of said bag.

2. (Amended) A method of forming a bag for containing a charge, said method comprising the steps of:

(a) forming an envelope having a closed first end and an open second end located apart from the first end and through which the charge may pass, the open second end having peripheral edges;

2. ~~A bag comprising an~~ (b) shaping the envelope closed at one the open second end by an end wall and delimiting a mouth at the other end, containing a charge capable of passing, for example under gravity, through said mouth, when said bag is in the inverted position, said envelope being shaped on itself at said mouth in order to close said bag, wherein, at the opposite end to the wall the envelope has a shaping, especially folding, which can be obtained form a closure to the bag by doing performing the following in succession steps:

folding outward then folding inward the peripheral edges of the opening of the bag, ~~in order open second end~~ to form a turned-up flap extended by and an outer envelope

located proximal thereto, the turned-up flap having proximally located parallel edges and the outer envelope having proximally located parallel edges;

forming an inner closure fold for internally closing the bag by folding the close-together proximally located parallel edges of the turned-up flap to form at least one fold for internally closing the bag; and

94 forming an outer closure for externally closing the bag by folding the close-together proximally located parallel edges of the outer envelope to form at least one fold for externally closing the bag.

3. (Amended) The bag as claimed in either of claims 1 and 2, claim 1, wherein one of the inner closure fold of the bag and/or the outer closure fold of the bag are welded formed by welding, bonded bonding or clamped clamping.

4. The bag as claimed in claim 1, wherein the inner closure fold and the outer closure fold are formed by welding, bonding or clamping.

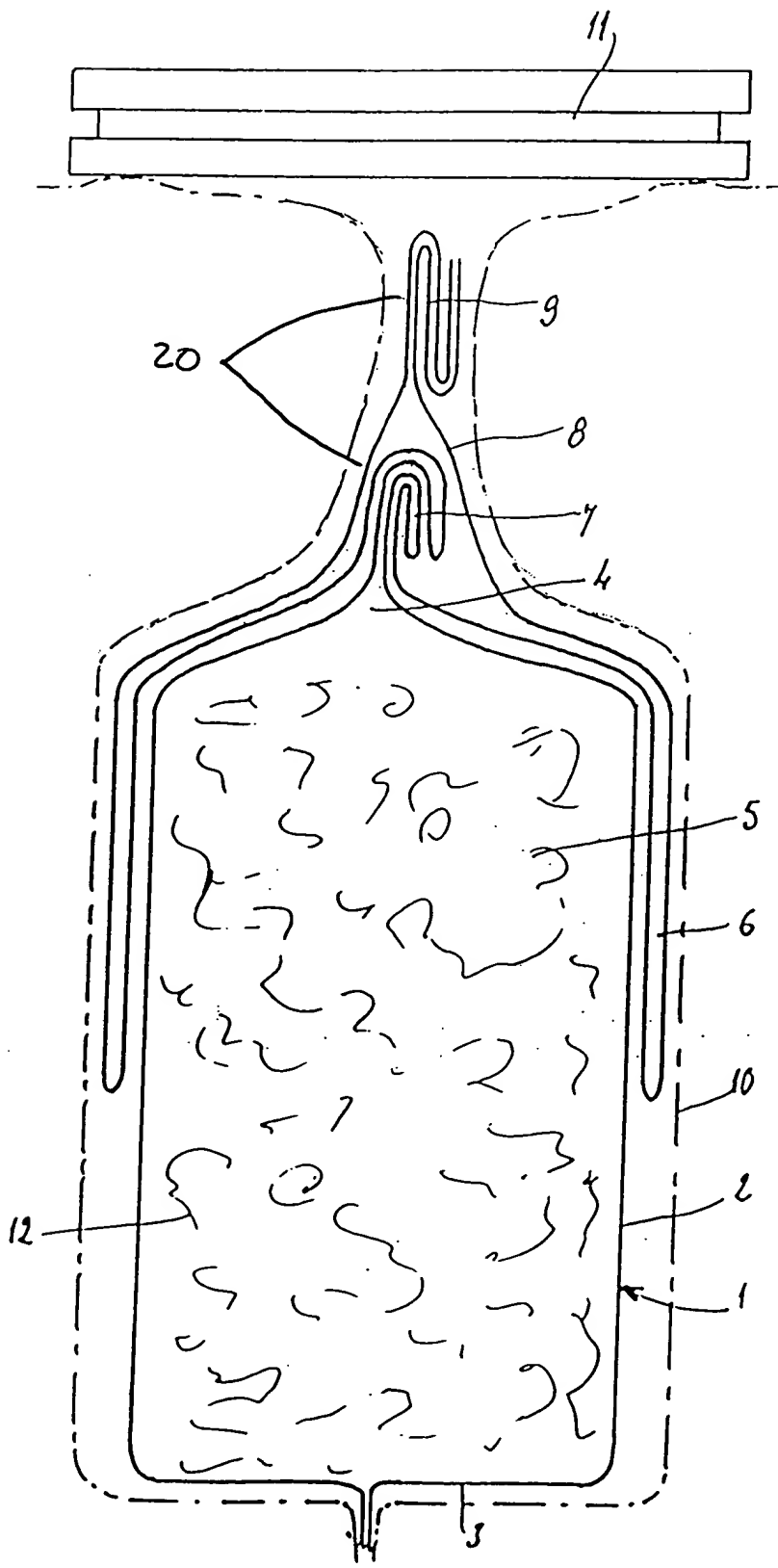
95 5. The method as claimed in claim 2, wherein one of the steps of forming the inner closure fold and the outer closure fold further comprises welding, bonding or clamping the folded proximally located parallel edges of one of the turned-up flap and the outer envelope.

6. The method as claimed in claim 2, wherein the step of forming the inner closure fold further comprises welding, bonding or clamping the folded proximally located parallel edges of the turned-up flap, and wherein the step of forming the outer closure fold further comprises welding, bonding or clamping the folded proximally located parallel edges of the outer envelope.

7. The bag as claimed in claim 1, wherein said closure causes said bag to remain in a closed condition when said bag is in the inverted position and a charge is contained within said bag.

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FIG 1



Disapproved.

4/15/03